

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 2, 2016, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners, Geitz, Giefer, Harmon and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

It was moved by Commissioner Giefer, seconded by Commissioner Harmon that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Commission Meeting held on October 19, 2016.
- b. Consider ratification of Payroll Ordinance for period ending October 28, 2016.
- c. Consider Rejecting the Base Bid and Add Alternates for 2016 Water Main Replacement Project No. WM1601.

The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**DAVID TRAYLOR ZOO
(2016 AZA Accreditation)**

Lisa Keith, Zoo Director, Zoo staff, and members of EFOZ, were recognized and addressed the Governing Body. They stated in June of 2016 the David Traylor Zoo went through the accreditation process that is conducted every five years by the Association of Zoos and Aquariums (AZA). The City was notified in September that the David Traylor Zoo was accredited for another five year period.

Mayor Gilligan then presented the 2016 AZA accreditation plaque to the David Traylor Zoo staff.

**SEWER MAINTENANCE, STREET MAINTENANCE, WATER SERVICE
(Equipment Purchases - Pickup Trucks)
(Bids)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated bids were received for various types of pickup trucks for sewer maintenance, street maintenance and water service. The sewer maintenance pickup will be a 1 ton pickup equipped with a locking utility bed for carrying tools and repairs. It will be replacing a 2000 Ford with 116,000 miles on it. There is \$45,000.00 budgeted for this purchase. Water Service will be replacing two pickups, a 2008 Chevy with 125,000 miles and a 2001 Ford with 141,000 miles. The new replacement pickups will be medium sized with extended cabs that will provide some inside storage for tools and equipment. There is \$50,000.00 budgeted for this purchase. The pickup truck beds will have 6 foot beds. The smaller pickups have proven to be too small for this department. The street department will be purchasing a 1 ton cab and chassis with a dump flatbed. The truck will be equipped with central hydraulics so that a salt spreader can be used. There is \$50,000.00 budgeted for this purchase.

BID TABULATION

	Longbine Autoplaza 3012 W Hwy 50	John North Ford 3002 W Hwy 50	Emporia Chrysler 2815 W Hwy 50
<u>Sewer Maint.</u>			
Year	2017	2017	No Bid
Make	Chevrolet	Ford	
Model	1 ton w/utility bed	F-350 w/utility bed	
Price (1)	\$32,727.46	\$34,457.00	
Trade-in	\$1,800.00	\$3,000.00	
Total w/trade	\$30,927.46	\$31,457.00	
<u>Water Service</u>			
Year	2017	2016	No Bid
Make	Chevrolet	Nissan	
Model	Colorado	Frontier	
Price (2)	\$57,732.52	\$53,722.00	
Trade-in	\$3,000.00	\$4,300.00	
Total w/trade	\$54,732.52	\$49,422.00	
<u>Street Maint.</u>			
Year	2017	2017	No bid
Make	Chevrolet	Ford	
Model	1 ton w/flatbed	F-350 w/flatbed	
Price (1)	\$38,996.66	\$39,957.00	

He stated staff was recommending the purchase of the low bids of Longbine Autoplaza for Sewer Maintenance in the amount of \$30,927.46 and Street Department in the amount of \$36,496.66 and John North Ford for Water Service in the amount of \$49,422.00. All vehicles will be white in color

Following further discussion, Commissioner Mlynar made a motion to award one Chevrolet 1-ton cab and chassis with utility bed for \$30,927.46 and one Chevrolet 1-ton cab and chassis with flat bed for \$36,496.66 to Longbine Autoplaza; and 2 Nissan Frontier pickups to John North Ford for a total price of \$53,722.00. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye. Commissioner Geitz abstained from the vote.

CITY COMMISSION
(Approve License Agreement with Sacred Heart Church)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this item was tabled from the October 12th meeting for further review. Representatives from the City of Emporia and the Sacred Heart Church have been working together on a license agreement for diagonal parking on E. 1st Avenue. There will be nine (9) diagonal parking stalls constructed on the public right of way, at Sacred Heart Church's expense, for additional parking stalls around the church area. The parking stalls shall be installed to the City of Emporia standards for construction. The license agreement shall extend to one year after the completion of construction of the nine angles parking spaces. At that time, the parking area shall be inspected by City Staff. If repairs are deemed necessary, then repairs will be done by Licensee and the license will be extended an additional year from completion of repairs. One the parking area is found to be good condition, then the City shall take over maintenance of the parking area and this agreement shall be terminated.

Following further discussion Commissioner Geitz made a motion to approve the License Agreement for parking stalls on E. 1st Avenue on the south side of the street for Sacred Heart Church. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Harmon,

aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Approval of Contract between City of Emporia and Lyon County)
(Urban Collaborative for Joint Comprehensive Plan)

Assistant City Manager Witt was recognized and addressed the Governing Body. He stated this contract is for a Joint City/County Comprehensive Plan project. Funds for the project have been allocated in the 2017 budget but after review of proposals and costs an additional \$25,000 will be allocated from cash reserves for the project. The process began in the winter of 2016 to spearhead the effort of devising a scope of service and a request for qualifications proposal to initiate the project. City and County assisted in the task the RFQ was distributed. Nine planning/engineering firms responded to the RFQ. The Committee was expanded to include representatives of the planning commissions of both entities, and various civic organizations who had a role in the development of the city and county along with some members of the general public. From the initial 9 firms, 4 firms were chosen for a phone interview. After the phone interview process, 3 firms were invited for an onsite interview. After two meetings of civil and constructive discussion and debate the firm Urban Collaborative was chosen to prepare the Comprehensive Plan. Staff recommends approval of the contract that was reviewed by City and County legal staff. He stated the intent is to complete this plan by November 2017 and present to both Commissions for adoption. Staff is confident that the selected firm of Urban Collaborative has the City and County in it's best interest to not only prepare the Comprehensive Plan but to continue to follow through in the Community.

Following further discussion, Commissioner Giefer made a motion authorizing the Mayor to sign the contract with Urban Collaborative to prepare a joint comprehensive plan for Emporia and Lyon County. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas Water Pollution Control Revolving Fund)
(Resolution Number 3590)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated The City is working toward meeting all of the process requirements to be eligible for low interest loans via the State Revolving Fund which is administered by the KDHE. One of the requirements is that the City Commission designate an official representative to be responsible for the loan process. This proposed resolution would designate City Manager, Mark McAnarney, as the person in charge of activity regarding the loan and represent the City on all associated matters with the loan. He stated staff is recommending approval of the resolution naming Mark McAnarney as the official representative.

Commissioner Geitz made a motion approving Resolution Number 3590, a resolution authorizing filing of an application with KDHE for a loan under the Kansas Water Pollution Control Revolving Fund for Waste Water Facilities Improvements. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Increasing the Transient Guest Tax 1%)
(Ordinance Number 16-42)**

AN ORDINANCE AUTHORIZING AND LEVYING A TRANSIENT GUEST TAX AND REPEALING ORDINANCE NO. 06-35 OF THE ORDINANCES OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 16-42, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated at a previous study session staff was direct to prepare the ordinance to raise the transient guest tax 1% as provided for in Charter Ordinance Number 35. Increasing the rate from 6% to 7% would result in an approximate increase in collections of \$80,000.00.

Following further discussion it was the consensus of the Commission to indicate how the increase in collections was to be utilized as follows: *A portion of that tax equaling one-half (½) of one percent (1%) of*

aforementioned gross rental receipts shall be used to help defray the City's tourism and convention related expenses.

Mayor Gilligan stated he would not be voting for this ordinance to increase the Transient Guest Tax. He felt there were further discussions that need to take place concerning tourism related expenses.

Commissioner Harmon made a motion to approve Ordinance Number 16-42, an ordinance authorizing the increase of the Transient Guest Tax 1%. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, nay.

**SANITARY SEWER
(Consider Increase in Rates)
(Ordinance Number 16-43)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SEWER RATES; AMENDING SECTION 28-144 SCHEDULE OF CHARGES; AND REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 16-43, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated at a previous study session, staff reviewed the need for an increase in wastewater rates. The increase is supported by the upcoming capital project at the wastewater treatment plant that is necessitated by a federal requirement. The present rate structure will not support the long term maintenance program necessary to operate the system in an effective manner. The last increase in wastewater rates was in 2009. Staff is recommending a 14% increase which was validated by a rate study completed by a third party consultant. The average residential property will see their rate increase \$2.41 per month for an annual increase of \$28.92.

Commissioner Geitz made a motion approving Ordinance Number 16-43, an ordinance pertaining to an increase of sewer rates of 14%. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

ENGINEERING
(Amending Residential Driveway Permitted Widths)
(Ordinance Number 16-44)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO DRIVEWAYS; AMENDING SECTION 24-68 SIZE LIMITATIONS; AND REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 16-44, was presented to the Governing Body for their consideration.

Jon Proehl, Engineering Supervisor, was recognized and addressed the Governing Body. He stated the issue of increasing the maximum driveway widths had been discussed at a previous study session. He stated staff was requested to prepare an ordinance requesting the expansion of the maximum width to 36 feet with the requirement that no driveway could exceed 50% of the lot width nor cover 50% of the front yard on the lot. He stated staff was recommending approval of amending residential driveway maximum widths.

Commissioner Giefer made a motion approving Ordinance Number 16-44, an ordinance pertaining to driveways size limitations. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

BONDS
(General Obligation Refunding and Improvement Bonds Series 2016)
(Ordinance Number 16-45)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING ISSUANCE OF THE CITY'S \$4,840,000 PRINCIPAL AMOUNT GENERAL OBLIGATION REFUNDING AND IMPROVEMENTS BONDS, SERIES 2016 TO FINANCE COSTS OF CAPITAL IMPROVEMENTS IN THE CITY AND TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY PRINCIPAL OF AND INTEREST ON SUCH BONDS; AUTHORIZING RELATED DOCUMENTS, ACTIONS AND COVENANTS WITH RESPECT SUCH BONDS AND AMENDING ORDINANCE NO. 16-38, to which the City Clerk assigned Ordinance Number 16-45, was presented to the Governing Body for their consideration.

City Manager McAnarney stated the Commission recently discussed issuing general obligation bonds for improvements, new equipment and refinancing general obligation bonds. He stated \$3,040,000 in bonds are for the following improvements:

Additional for Ozone Project	\$ 400,000.00
Water Main - Sylvan 6 th to 12 th & 15 th State to Center	\$ 660,000.00
Water Main - 18 th W. Wilman Ct. to Rural	\$ 110,000.00
Raw Water Line from River to Plant	\$ 700,000.00
Water Main - E. Wilman Ct.	<u>\$ 460,000.00</u>
	\$2,330,000.00
 Rescue Truck	 \$ 450,000.00
Ambulance	<u>\$ 260,000.00</u>
	\$ 710,000.00
 TOTAL	 \$3,040,000.00

Greg Vahrenberg, Managing Director of Pipe Jaffray, was recognized and addressed the Governing Body. He reviewed the refinancing procedure and outcome. He stated the interest rate was locked in at 1.822% with an interest saving of \$77,523.48. The total savings to the City of Emporia from bond refinancing since 2007 has resulted in a total savings of \$1,715,140.69.

Commissioner Geitz made a motion approving Ordinance Number 16-45, an ordinance authorizing issuance of City general obligation bonds refunding and improvement bonds Series 2016 in the principal amount of \$4,840,000.00. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

BONDS
(Prescribing the Form and Details)
(General Obligation Refunding and Improvement Bonds Series 2016)
(Resolution Number 3591)

City Manager McAnarney stated the Commission would also need to approve a resolution that would prescribe the form and details of the general obligation refunding and improvement bonds Series 2016 in the principal amount of \$4,840,000.00.

Commissioner Geitz made a motion approving Resolution Number 3591, a prescribing the form and details of general obligation refunding and improvement bonds Series 2016 in the amount of \$4,840,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Mlynar,

and Mayor Gilligan, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR NOVEMBER 9TH STUDY SESSION AT 9:30 A.M.

1. Review Mowing Fees
2. Snow Removal Policy
3. Discuss Adding Rescue Position for Animal Shelter
4. Water Treatment Plant Update
5. After School Meals
6. Water Bill Roundup Program

Joint Luncheon w/Golf Advisory Board

Commissioner Mlynar than made a motion to adjourn. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk